

REMARKS

This application has been reviewed in light of the Office Action dated March 2, 2010. Claims 1-3, 5, 6, 9-12, 15 and 18 are presented for examination, of which Claims 1, 6, 9 and 15 are in independent form, and have been amended to define still more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

In the outstanding Office Action, Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 1 has been amended as deemed necessary to ensure that it conforms fully to the requirements of Section 112, second paragraph, with special attention to the points raised in the Office Action. It is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

Claims 1, 2, 9 and 10 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 7,174,515 (Marshall et al.). In addition, Claims 3 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Marshall* in view of U.S. Patent Application Publication 2002/0099569 (Thirsk), Claim 5, as being unpatentable over *Marshall* and *Thirsk* and further in view of U.S. Patent Application Publication 2003/0055317 (Taniguchi et al.), Claims 6, 15 and 18, as being unpatentable over *Marshall* in view of U.S. Patent Application Publication 2004/0062421 (Jakubowski et al.), and Claim 11, as being unpatentable over *Marshall* in view of *Taniguchi*.

In maintaining his rejections of the claims over the prior art, the Examiner points out the statement in *Marshall* that:

“Remote viewing stations 160 permit a doctor in a remote location to review the images, and may be used to allow the patient or others to review the images remotely. Thus, for example, a radiologist at a central location may

initially review and analyze the images, and annotate them. Then, the images, and notation -- or a report generated based on the images and notation -- is sent to a remote system where the doctor can review the data with the client.” *Marshall*, col. 4, lines 1-8.

The Examiner also notes the following statement at col. 15:

“At block 780, the process determines whether the review completion has been indicated by the user. The user may indicate that he or she has completed the review of the image by moving the motorized viewer belt to a next image, scanning a new image ID, pressing a next/done key, or by other means. For one embodiment, the user must indicate that he or she has completed the review of the current image. If the user has not indicated review completion, the process waits for the user to indicate review completion. For one embodiment, after a period of time, the process may time out, and the automatic series may be stopped.” *Marshall*, col. 15, lines 18-28.

From these passages, and the rest of *Marshall*, Applicant understands that the *Marshall* apparatus permits a user to view a displayed image, and to make annotations, after which the image and annotations can be sent elsewhere (col. 4, lines 1-7). Alternatively, if the user has no need to make annotations, the user is able, at least in one embodiment, to enter an instruction to that effect, which permits the system flow to proceed (col. 15, lines 18-28).

In this regard Applicant points to the processor recited in Claim 1, which “process[es] a control of judging presence or absence of an inputting of a diagnosis report corresponding to the medical image displayed on said monitor, *wherein the diagnosis report corresponding to the medical image displayed on said monitor includes information input by the user while viewing the medical image*, displaying an image for inputting a diagnosis report corresponding to the medical image displayed on said monitor in a case where the input of the diagnosis report is judged to be absent, and restricting a change of

displaying the medical image in a case where the inputting of the diagnosis report is judged to be absent [emphasis added]”.

According to Claim 1, thus, the processor judges whether there has or has not been inputted a diagnosis report *that includes information input by the user*. This judgment is not about whether the user is finished reviewing the image, but is about whether the user has input a diagnosis report that includes information that the user has input him/herself while viewing the medical image in question. (It is noted that Claim 6 also provides for a determination as to whether the user has input an instruction to proceed, if it is judged that no such diagnosis report has been input.) Nothing has been found, or pointed out, in *Marshall* that would teach or suggest a processor capable of performing a judgment as to whether there has been input a diagnosis report that “includes information input by the user while viewing the medical image”, as recited in Claim 1. For at least that reason, Claim 1 is believed to be clearly allowable over *Marshall*.

Claim 6 is believed to be allowable over *Marshall*, taken alone, for the reasons set out above with regard to Claim 1. *Jakubowski* is cited in the Office Action for generating a warning flag when a predetermined time has elapsed. Even if that patent is combined with *Marshall*, however, the result would not teach or suggest the processor recited in Claim 6. Accordingly, Claim 6 is believed to be allowable over the art cited against it.

Independent Claims 9 and 15 are method claims corresponding to apparatus Claims 1 and 6, respectively, and are believed to be patentable for at least the same reasons as discussed above in connection with the latter claims.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims, and those are therefore believed to be allowable over the art of record.

The other claims in this application are each dependent from one or the other of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. In any event, however, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

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